

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN**

**WISCONSIN MASONS HEALTH CARE FUND,
WISCONSIN MASONS APPRENTICESHIP &
TRAINING FUND, WISCONSIN MASONS 401(k)
PLAN, WISCONSIN MASONS PENSION FUND,
BRICKLAYERS AND TROWEL TRADES
INTERNATIONAL PENSION FUND,
INTERNATIONAL MASONS INSTITUTE FUND,
and JEFFREY LECKWEE,**

**BRICKLAYERS AND ALLIED CRAFTSMEN
DISTRICT COUNCIL OF WISCONSIN, and**

**BUILDING TRADES UNITED PENSION
TRUST FUND, and NACARCI FEASTER,**

Plaintiffs,

vs.

Case No. 09-CV-243

**MILLER & ASSOCIATES, INC., and
DIANE M. MILLER**

Defendants.

ORDER FOR JUDGMENT AS TO DEFENDANT MILLER & ASSOCIATES, INC.

Request and application for default judgment brought by the Plaintiffs in the above-captioned action were submitted to the Court and filed with the clerk.

The Court, having duly heard all issues and a decision having been duly rendered, orders as follows:

1. Defendant Miller & Associates, Inc. has failed to plead or otherwise defend as

provided by Rule 55(a) of the Fed. R. Civ. P.

2. Miller & Associates, Inc. violated the Labor-Management Relations Act of 1947, as amended, as well as the Employee Retirement Income Security Act of 1974, as amended, and the effective collective bargaining agreement by failing to pay fringe benefit contributions on behalf of its employees to the Plaintiff Funds.

3. As a result of Defendant's failure, Plaintiffs are entitled to damages consisting of unpaid contributions, liquidated damages, interest, attorney fees, and costs.

4. The court assesses the total damages to the Plaintiffs in the sum of \$166,037.64.

IT IS HEREBY ORDERED that the Clerk of Court is directed to enter judgment in favor of Plaintiffs, Wisconsin Masons Health Care Fund, Wisconsin Masons Apprenticeship & Training Fund, Wisconsin Masons 401(k) Plan, Wisconsin Masons Pension Fund, Bricklayers and Trowel Trades International Pension Fund, International Masons Institute Fund, Jeffrey Leckwee, Bricklayers and Allied Craftsmen District Council of Wisconsin, Building Trades United Pension Trust Fund, and Nacarci Feaster, and against Defendant Miller & Associates, Inc. in the amount of \$166,037.64 together with interest at the rate allowed by law.

Dated this 16th day of September, 2009.

BY THE COURT

Barbara B. Crabb
U. S. District Court Judge